

REMARKS

Claims 1-6, 9-17, 20-28, 31-39, and 42-44 are pending in the present application with claims 1, 12, 23, and 34 being the independent claims. Claims 1-6, 9, 10, 12-17, 20, 21, 23-28, 31, 32, 34-39, 42, and 43 have been amended. No new matter has been added.

In the office action dated August 28, 2009, claims 1-6, 9-17, 20-28, 31-39, and 42-44 are rejected under 35 U.S.C. §103(a). Applicants respectfully request reconsideration and withdrawal of the rejection of the claims consistent with the following remarks.

Examiner Interview

Applicants thank Examiner McDowell for conducting an interview with applicants' undersigned representative on October 22, 2009. Applicants' representative and the examiner discussed the subject matter of the claims and the cited art. Applicants set forth below a summary of the arguments presented in the interview.

Rejections under 35 U.S.C §103

In the office action, claims 1, 2, 4-6, 9, 12, 13, 15-17, 20, 23, 24, 26-28, 31, 34, 35, 37-39, and 42 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0021278 filed by Hinckley *et al.* (hereinafter "Hinckley") in view of U.S. Patent Application Publication No. 2002/0198029 filed by Tenhunen *et al.* (hereinafter referred to as "Tenhunen"). Applicants respectfully traverse this rejection.

While applicants maintain the arguments and traversals set forth in previous responses, in the interest of furthering prosecution, independent claim 1 has been amended to further clarify the claimed subject matter. Claim 1 recites "detecting a **change in orientation relative to the display of images presented on the display** from a first orientation to a second orientation at the computing device". Applicants assert that these elements of claim 1 are not disclosed or suggested in the cited art.

In the response to arguments section of the office action (pages 2-3), the examiner asserts that detecting a position of a device is the same as detecting the orientation of an image:

Hinckley's detection of the physical orientation of the mobile device that results in a new image being presented on a display in an orientation corresponding to the new physical orientation of the mobile device is the same as "detecting a change in orientation of images presented on the display from a first orientation to a second orientation", the reason is that this feature is inherently taught by Hinckley because the orientation of an image is tied to the state of an image. For example without image state, there would be no way of changing from a portrait to landscape or visa versa. Suppose that the tilt sensor in Hinckley detects that a tilt has occurred in the mobile device, this would trigger the image to change accordingly. However without the image state being stored somewhere in the mobile device, the image has only a 50% chance of changing from portrait to landscape or visa versa. **Thus the detecting of a position of a device is synonymous with detecting the orientation of an image.**

Applicants respectfully disagree with these assertions. While an image may have an associated state, it does not follow logically that because an image has a state, the position of a device is synonymous with the orientation of an image. As stated above, the examiner is asserting that detecting a position of a device is synonymous with detecting the orientation of an image. But claim 1 recites "detecting a change in orientation **relative to the display** of images presented on the display". The orientation of an image relative to the display on which the image is being presented is independent of, and unrelated to, the position of the display or the device in which the display is configured. This is evident from many devices that those of skill in the art interact with on a regular basis. For example, the orientation of the images presented on a television remains the same relative to the television regardless of whether the television itself is oriented normally, upside down, *etc.* Accordingly, detecting the position of a device is not the same as detecting the orientation of an image relative that device.

In the rejection of claim 1, the office action cites Hinckley, paragraphs [0072], [0073], and figures 10 and 11. In Hinckley, the orientation of a device is determined, and based upon the device orientation, images are presented in a particular orientation on a display:

[0072] In other embodiments of the present invention, the tilt sensor is used to detect the orientation of the mobile device

so that the image on the display of the mobile device may be matched to the mobile device orientation.

[0073] FIG. 10 provides an example of a mobile device 1100 in an upright orientation. In FIG. 10, the present invention displays an image 1102 of a set of text in a portrait orientation to match the orientation of mobile device 1100. FIG. 11 shows the same mobile device rotated counterclockwise 90°. Under the present invention, **this rotation is sensed by the tilt sensors and in response, a new image 1104 of the set of text is displayed.** In particular, image 1104 shows the text in a landscape view to match the new orientation of mobile device 1100.

Hinckley describes using a tilt sensor to “detect the orientation of the mobile device”. Hinckley’s detection of the physical orientation of the mobile device results in a new image being presented on a display in an orientation corresponding to the new physical orientation of the mobile device. This is not the same as “detecting a change in orientation **relative to the display** of images presented on the display from a first orientation to a second orientation” as claimed. In Hinckley, the display orientation is changed *based on the orientation of the device*. No detection of the orientation relative to the device of images presented on a display takes place.

Claim 1 further recites “responsive to the detection of the change in orientation **relative to the display** of the images presented on the display, automatically logically remapping the commands to the logical buttons based on the second orientation of the images presented on the display.” The office action cites Tenhunen at figures 1a-c and paragraph [0019] in the rejection claim 1. As in Hinckley, Tenhunen discloses detecting the position of a *device* based upon a sensor or detector, and then adjusting a display orientation and key mapping based on the *detected device orientation*. Paragraph [0019] and figures 1a-c of Tenhunen describe detecting the position of a mobile station and changing the orientation of a window based on the detection. Tenhunen describes remapping keys in more detail with figure 2 and paragraph [0025]:

[0025] According to the invention, at its simplest **the orientation of the window of the display element changes according to the signal of the detector element. Depending on the embodiment, the functions of the keypad and the**

loudspeaker and microphone also change in the manner described above. FIG. 2 shows a block diagram of the operation of the mobile station according to the invention. The area bounded by the broken line depicts the mobile station 10 while the blocks shown in a stack depict the mobile station's various components. In terms of the operation of the mobile station, **there is a single main condition, with a value that depends on the state of the detector element 16.** The software in the central unit 23 controls the other components of the mobile station 10 according to the state of the detector element...

As can be seen in the flow chart illustrated at Tenhunen's figure 2, any changes made to the display or the key mapping as described in Tenhunen are made responsive to the change of *device* position detected by Tenhunen's detector element. This is not the same as "responsive to the detection of the change in orientation **relative to the display** of the images presented on the display, automatically logically remapping the commands to the logical buttons based on the second orientation of the images presented on the display." As will be appreciated, detecting the position of a device is not the same as detecting the orientation relative to a display of images presented on a display.

Because neither Tenhunen nor Hinckley disclose or suggest detecting or responding to a change in the orientation relative to a display of images presented on the display, Tenhunen and Hinckley, taken individually or together, cannot be said to disclose or suggest the subject matter of claim 1. For similar reasons, Tenhunen and Hinckley cannot be said to disclose or suggest the subject matter of independent claims 12, 23, and 34. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 12, 23, and 34 under 35 U.S.C. §103(a).

Applicants acknowledge that the office action asserts additional grounds for rejection of the claims that are dependent upon claims 1, 12, 23, and 34. However, in view of the traversals set forth with respect to the independent claims, applicants believe that all such dependent claims are in condition for allowance by virtue of their dependence upon independent claim 1, 12, 23, and 34, rendering the rejections of those claims moot. Moreover, applicants submit that the remaining claims recite features that provide a separate basis for patentability. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of all claims that depend from independent claims 1, 12, 23, and

34. Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

CONCLUSION

In view of the foregoing, applicants respectfully submit that this application, including claims 1-6, 9-17, 20-28, 31-39, and 42-44 is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: October 27, 2009

/Aaron F. Bourgeois/
Aaron F. Bourgeois
Registration No. 57,936

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439